

REPORT OF ACTION TAKEN

MEETING OF CREDITORS

In re:

HAYDEE RIVERA ARZUAGA

Case No. 21-02085-ESL

Chapter 13

Attorney Name: ROBERTO FIGUEROA CARRASQUILLO*

| | | | |
|---|---|---------------------------------|--|
| I. Appearances | | | Date & Time: 8/11/2021 10:30:00AM |
| Debtor | <input checked="" type="checkbox"/> Present | <input type="checkbox"/> Absent | [X] R [] NR LV: \$5,009 (PV: \$5,810) |
| Joint Debtor | <input type="checkbox"/> Present | <input type="checkbox"/> Absent | [X] This is debtor(s) 2 Bankruptcy filing. |
| Attorney for Debtor | <input checked="" type="checkbox"/> Present | <input type="checkbox"/> Absent | Creditors: |
| [] Prose | | | |
| [X] Appearing: Roberto Figueroa Carrasquillo, Esq. | | | <u>NONE</u> |
| II. Oath Administered | | | |
| <input checked="" type="checkbox"/> Yes [] No | | | |

III. Plan

Date: 07/07/2021 Base: \$11,160.00 Payments 1 made out of 1 due.

Confirmation Hearing Date: 9/8/2021 9:00:00AM

Evidence of Pmt shown:

Attorney's fees as per R. 2016(b)

\$4,000.00 - \$228.00 = \$3,772.00

IV. Status of Meeting

 Closed [] Not Held [] Held/Continued Held/Not Closed Continued

Continued Date:

Comments:

 M.T.D. to be filed by Trustee: Debtor(s) failed to: Appear: Commence payments Keep payments current does (do) not qualify as a debtor (§109): MTD Already filed, see Docket: Other:

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(Cont.)

Trustee's Report on Confirmation

 FAVORABLE UNFAVORABLE

| | |
|---|---|
| <input type="checkbox"/> Feasibility | <input type="checkbox"/> No provision for secured creditor(s) |
| <input type="checkbox"/> Insufficiently funded | <input type="checkbox"/> Tax returns missing |
| <input type="checkbox"/> Unfair discrimination | <input type="checkbox"/> State - years |
| <input type="checkbox"/> Fails disposable income | <input type="checkbox"/> Federal - years |
| <input type="checkbox"/> Fails liquidation value test | |
| <input type="checkbox"/> Insurance quote | |

Pending/Items/ Documents:

| | |
|---|---|
| <input type="checkbox"/> DSO Recipient's Information | <input type="checkbox"/> Monthly reports for the months |
| <input type="checkbox"/> Evidence of being current with DSO | <input type="checkbox"/> Public Liability Insurance |
| <input type="checkbox"/> Evidence of income | <input type="checkbox"/> Premises <input type="checkbox"/> Vehicle(s): <input type="checkbox"/> Licenses issued by: |

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Trustee's objection to confirmation

[X] Objection to Confirmation

[] Oral objection by creditor

ID (Lic), SS, and W/S ok, SC-2781 (2017 thru 2020 SSI) Ok. Nmar, Employment: SSI, Pen and PAN.

Plan: 186 x 60 = 11,160.00, G.U. 7%

ACP: 3

Household size: 1

Prior case 13-02952

NOTE: Debtor's husband passed away in February 2020, therefore, debtor is not entitled to a widow usufruct.

Besides her 50%, debtor has 1/3 from the 50% of her deceased husband's estate. Debtor has already disclosed in Schedule A/B her 50% plus 1/3 interest.

- PLAN DOES NOT PROVIDE FOR SECURED CREDITOR, §1325(a)(5):

a. Schedule A/B discloses 2 savings and shares accounts with COOPACA, however, plan only provided for one.

- FAILS LIQUIDATION VALUE TEST, §1325(a)(4):

a. Trustee objects case liquidation value at its present value disclosed in part 5.1 of the plan in the amount of \$5,500.00, per Trustee's analysis case liquidation value at its present value is \$5,810.00. If debtor does not agree with trustee's calculation, debtor is asked to provide trustee her analysis for comparison purposes.

b. Part 5.1 in its 4th entry needs to disclose the correct present value.

c. Plan does not comply with the best interest of creditors' test. Plan only disburses \$4,508.85 to general unsecured creditors.

OTHER:

a. Schedule H will be amended to disclose debtor is codebtor in an auto loan with Toyota Motor Credit. Main debtor is debtor's daughter-in-law, Marilisa Torres Torres.

b. Plan needs to provide treatment in Part 8 to Toyota auto loan, which is unsecured for debtor, but creditor is receiving the payments from the main debtor to that loan, Ms. Marilisa Torres Torres. Plan should disclose that trustee will not make disbursements to Toyota's auto loan, without prejudice of the claim being amended in case of a deficiency, in which case it will be treated by trustee for distribution purposes pursuant to Part 5.1 of the plan.

The following party(ies) object(s) confirmation:

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s/Miriam Salwen

Trustee/Presiding Officer

Date: 08/11/2021

(Rev. 05/13)